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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,295	10/03/2003	Donnie Gross	24707.0002	9646
23517 7590 01/24/2008 BINGHAM MCCUTCHEM LLP 2020 K Street, N.W. Intellectual Property Department WASHINGTON, DC 20006				
EXAMINER				
SAWAGED, SARI S				
ART UNIT		PAPER NUMBER		
4126				
MAIL DATE		DELIVERY MODE		
01/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/677,295

Applicant(s)

GROSS, DONNIE

Examiner

SARI SAWAGED

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)
Paper No(s)/Mail Date 6/15/2005
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Conclusion

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (WO 02/091676 A1) in view of Heath (US Pat 5,321,242).**

3. Regarding claim 1, Kim discloses a method of monitoring activities performed at a cable television tap. Kim discloses sending data regarding a cable television tap to a remote location but Kim doesn't specifically disclose technicians (see Figs. 1, 3a and 3b; page 2 lines 9-19 and page 6 line 25 to page 7 line 1). Heath, discloses a method where access, to devices that require service (such as cable tap-offs), is controlled. Heath discloses that the method determines whether technician data is read, stores the technician data in association with an access time and an access date upon determining that the technician data is read, associates that data with a particular device, and provides that data to a remote location (see col. 2 line 41 – col. 3 line 7, col. 6 lines 13-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions of Kim and Heath because it would have enabled the cable company to effectively identify faulty taps/ports.

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4. Regarding claim 2, Heath discloses generating a sensor signal (see col. 6 lines 29-38).
5. Regarding claim 3, Heath discloses storing the access time and the access date in response to the sensor signal (see column 6 lines 11-38).
6. Regarding claim 4, Kim discloses determining whether a port status has been modified (see page 8 lines 22-29).
7. Regarding claim 5, Heath discloses storing the modified device status in association with the access time and access date upon determining that the device status has been modified (see col. 6 lines 39-56).
8. Regarding claim 6, Kim discloses that data is provided at a predetermined time interval (see page 7 lines 11-15).
9. Regarding claim 7, Kim discloses that the data is provided upon request (see page 7 lines 15-18).
10. Regarding claim 8, Kim discloses receiving the data at a computer at a remote location (See figure 1; page 5 line 33 to page 6 line 2).

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11. Regarding claim 9, Kim discloses generating a report base in part on the provided data (see page 10 lines 4-6).

12. Regarding claim 10, see rejection of claim 1. Claim 10 is rejected upon the same basis.

13. Regarding claim 11, Kim discloses providing port status data (See figure 1; page 5 line 33 to page 6 line 2).

1. Claims 12-22 rejected under 35 U.S.C. 103(a) as being unpatentable over Heath in view of Kim.

14. Regarding claim 12, Heath discloses a CPU operable to determine whether technician data is read, a memory, coupled to the CPU, operable to store the technician data in association with an access time and an access date upon a determination that technician data is read, a communication medium, coupled to the controller, operable to provide data to a remote location, and the controller operable to associate the data with a device (see col. 7 lines 38-57 and col. 10 lines 33-54). Heath doesn't disclose associating data with a tap port specifically but Kim discloses a CPU that associates data with a specific tap/port (see page 7 lines 29-31). The CPU sends data regarding the tap over a communication medium to a remote location where the data is stored (see page 8 lines 10-16). It would have been obvious to one of ordinary skill in the art at

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the time the invention was made to combine the inventions of Kim and Heath because it would have enabled the cable company to effectively identify faulty taps/ports.

15. Regarding claim 13, Heath discloses a sensor coupled to the controller (CPU) (see column 7 lines 38-57).

16. Regarding claim 14, Heath discloses a memory operable to store the access time and the access date (see col. 6 lines 11-23 and col. 7 lines 38-57).

17. Regarding claim 15, Kim discloses the controller (CPU) operable to determine whether a port status has been modified (see page 7 line 29 to page 8 line 29).

18. Regarding claim 16, Heath discloses a memory operable to store the modified device status in association with the access time and access date upon determining that the device status has been modified (see col. 6 lines 39-56 and col. 7 lines 38-57).

19. Regarding claim 17, see rejection for claim 6.

20. Regarding claim 18, see rejection for claim 7.

21. Regarding claim 19, Kim discloses a computer, coupled to the communication medium, operable to receive the data (See figure 1; page 5 line 33 to page 6 line 2).

22. Regarding claim 20, Kim discloses further comprising the computer operable to generate a report base in part on the provided data (see figure 1 and page 10 lines 4-6).
23. Regarding claim 21, Heath discloses a reader coupled to the controller operable to read technician data (see figures 3, 3a, and 4; column 7 lines 6-23).
24. Regarding claim 22, Kim discloses tap circuitry, coupled to the controller, operable to providing port status (see figures 1 and 2; page 5 line 33 to page 6 line 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARI SAWAGED whose telephone number is (571)270-5085. The examiner can normally be reached on Mon-Thurs, 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sari Sawaged/
Examiner, Art Unit 4126

/Dennis-Doon Chow/
Supervisory Patent Examiner, Art Unit 4126